House Joint Resolution 46: Study of Election Laws
Summary of LC9050: Comprehensive Review and Cleanup of Election Statutes
**Updated July 15, 2008, to reflect June 2008 decisions by
the State Administration and Veterans' Affairs Interim Committee
on Sections 20 and 23 of the bill draft**

The following table summarizes the sections of a bill authorized by the State Administration and Veterans' Affairs Interim Committee for drafting and introduction in the 2009 Legislature. Committee members approved the drafting of the bill after suggesting some revisions. Further, minor changes from the initial bill draft are also incorporated into the final draft based on input from work group and SAVA members. Sections changed from the initial bill draft presented in January 2008 are identified in bold-faced type, and the changes are explained in the right-hand column of the table.

Page	Section	Statute	Changes/Reasons	Changes Made to 1/7/08 Draft
1	**1**	**13-1-101**	Revises "active elector" and "inactive elector" to conform to current practice; adds new definitions, including "voted ballot," to recognize mail ballot and absentee voter issues	**Minor changes to active and inactive elector definitions to recognize mail ballot election mailings**
8	**2**	**13-1-108**	**Requires that newspaper or broadcast notice must be selected for ability to reach largest number of voters**	**Added to conform with SAVA-requested change to 13-2-301**
9	3	13-1-113	Clarifies that residency provision applies only to Title 13	
9	4	13-1-115	Adds places of deposit to the list of places at which an elector may not be arrested	
9	5	13-2-110	Shortens this section to group into one subsection the ways in which alternative forms of identification may be presented	
12	6	13-2-116	Recognizes that mail ballot elections don't have precinct registers; sets deadline to accommodate late registration to greatest degree possible	
13	7	13-2-220	Clarifies that reactivation and cancellation of registration are possible	
15	8	13-2-222	Clarifies that a person may reactivate registration by voting in a mail ballot election	
15	**9**	**13-2-301**	Requires that notice be provided that the option for late registration exists **and clarifies that newspaper or broadcast notice must be selected for the ability to reach the largest number of voters**	**Clarification of how notice method is to be selected – added at SAVA request**

17	10	13-2-304	Allows for late registration ballots to be obtained and voted at a location other than county election administrator's office on Election Day, if the election administrator has designated an alternative location	
18	11	13-2-402	Spells out more clearly how cancellation of a voter's registration may occur	
19	12	13-3-205	Eliminates outdated standards for polling place accessibility	
20	13	13-3-206	Allows a polling place to be resurveyed for accessibility if the original survey was inaccurate	
20	14	13-4-102	Eliminates random selection of election judges	
22	15	13-4-106	Adds state minimum wage as a payment option	
22	16	13-4-202	Clarifies the oaths that an election judge may administer	
23	17	13-4-203	Eliminates expiration provision for an election judge's certification, because the timing creates problems; instead states when they must be certified	
24	18	13-10-211	Clarifies that a county clerk must be notified by a school district of the declaration of a write-in candidacy if the county is conducting the school election	
26	**19**	**13-13-204**	**Clarifies that a corrected absentee ballot can be obtained and voted at the election administrator's office if the original absentee ballot contains errors or omissions**	**Added to original draft to address concerns that existing language allows polling place voting of a replacement ballot**
27	**20**	**13-13-205**	**Clarifies when absentee ballots must be made available**	**Added to original draft to address concerns that there were no deadlines for how late a ballot could be mailed**
28	**21**	**13-13-212**	Allows a voter to ask for a permanent absentee ballot at any time, rather than just when applying for an absentee ballot	**Requires that the address confirmation form be forwardable**
30	22	13-13-213	Adds a voter's designated agent to the verification process; clarifies that an absentee ballot may not be sent if signatures can't be verified	

32	**23**	**13-13-214**	Clarifies when absentee ballots must be mailed	**Added to original draft to address concerns that there were no specific timelines for mailing of absentee ballots**
34	24	13-13-222	Clarifies when an absentee ballot is voted	
35	25	13-13-241	Adds a voter's designated agent to the section; clarifies that identity AND eligibility need to be verified; allows voters to verify signatures by mail or in person and to correct other, more minor issues by several different methods; requires a ballot to be handled as a provisional ballot if issues aren't resolved (rather than requiring the ballot to be rejected)	
38	26	13-13-301	Incorporates section-specific definition into general language of section	
40	**27**	**13-15-107**	Adds a voter's designated agent throughout; allows transmission of information by electronic means, rather than electronic mail; makes it clear when verification information can be provided and when provisional ballots may be counted	**Requires that provisional ballots not only be received but also verified by the sixth day after the election; allows counting of resolved provisional ballots on Election Day**
42	28	13-17-103	Changes "may be" to "is" for requirement that machines be protected against tampering	
43	**29**	**13-7-203**	Requires that newspaper or broadcast notice be selected for ability to reach largest number of voters	**Added to conform with SAVA-requested change to 13-2-301**
44	30	13-17-212	Eliminates reference to direct recording electronic voting systems, since all other references were stricken in the past; requires that 10% of each type of voting system be audited rather than 10% of all voting systems	
45	31	13-19-102	Clarifies definition of "ballot" for mail elections, so more than one type of ballot may be in an envelope	
46	33	13-19-105	Clarifies that secretary of state establishes procedures but county election administrator carries them out	
48	34	13-19-106	Allows exception for absent military/overseas voters; clarifies that counting could start earlier than provided in chapter 15	

48	35	13-19-204	Clarifies that election can't be held by mail, rather than not held at all	
45	33	13-19-205	Requires a written plan that addresses instructions to voters and postage needed for return of ballot	
49	**36**	**13-19-206**	References the need for the written instructions that were added to 13-10-205; clarifies that ballots can't be forwarded	**Establishes that ballots must be mailed in a manner that *requires* return of nondeliverable ballots**
50	**37**	**13-19-207**	Recognizes that ballots could be provided when a voter reactivates registration after ballots have been mailed; allows for mailing until noon on the day before the election (same as absentee and late registration); and recognizes that voting must occur at the office after a certain point	**Adds new language in (2)(b)(ii) and (2)(d) to recognize availability of late registration**
51	38	13-19-301	Revises when ballot is voted	
52	**39**	**13-19-303**	Allows mailed ballot to be provided as an absentee ballot if voter reactivates registration and requests an absentee ballot	**Adds new (2)(b)(ii) to recognize availability of late registration**
53	40	13-19-304	Allows a person who is not a registered voter but is eligible to vote in an election to provide proof without having to physically come to the office, recognizing that the person may live out of state or out of the county	
54	41	13-19-305	Clarifies handling of replacement ballots	
55	42	13-19-306	Adds elector's agent; recognizes exception for military/overseas voters	
56	**43**	**13-19-307**	Requires that places of deposit must be accessible, have accessible voting machines, and be staffed by at least two election officials	**Eliminates proposed requirement for accessible voting machines; proposal will be addressed in a separate bill draft**
57	44	13-19-308	Adds voter's designated agent; removes requirement that names of people who deliver ballots be logged (because no identification required and this does not have to be done at the election administrator's office)	
58	45	13-19-310	Adds voter's designated agent and designation form; makes a questionable ballot a provisional ballot rather than having it presented to canvassing board for a determination	

59	46	13-19-311	Allows election administrator to put a ballot in a secrecy envelope (as can be done for absentee ballots); allows for multiple ballots from the same household to be returned in one envelope	
60	47	13-19-312	Adds voted ballot language	
61	48	13-19-313	Allows voter's designated agent; allows signature verification by mail or in person; allows other minor errors to be corrected by a variety of means	
62	49	13-19-314	Makes a questionable ballot a provisional ballot, rather than having it go to counting board and canvassers	
63	50	13-21-203	Clarifies that late registration provision applies to absent military and overseas voters	
64	51	13-21-210	Allows absent military and overseas voters to request permanent absentee ballots	
66	**52**	**13-27-311**	Clarifies notice requirements for initiatives vs. referenda, to eliminate an internal inconsistency in this section – **adds clarification that newspaper or broadcast notice must be selected for the ability to reach the largest number of voters**	**Added to conform with SAVA-requested change to 13-2-301**
66	53	13-37-226	Clarifies filing deadlines for campaign finance reports for ballot measures	
70	**54**	**20-20-107**	Revises payment for school election judges to correspond with election judges under Title 13, at request of school representatives in the HJR 46 work group	**Sets the minimum wage as the minimum payment level, similar to Title 13**
70	55	New	Requires training for school election judges	
71	56	20-20-203	Eliminates 10-day notification period for school election judges	
72	**57**	**New**	Establishes procedures for breaking a tie vote in a school election	**Adds language similar to that in 13-16-507, which currently is used to govern tie votes in other elections**